

W. A. B.



Memo Date: February 25, 2008
Work Session Date: March 12, 2008

TO: Board of County Commissioners
DEPARTMENT: Public Works, Land Management Division, Planning Department
PRESENTED BY: Stephanie Schulz, Metro and Small City Planner
AGENDA ITEM TITLE: ~~REPORT~~ BACK / PROCESS UPDATE RELATING TO PROCESSING APPLICATIONS FOR ANNEXATIONS TO SPECIAL DISTRICTS PURSUANT TO SENATE BILL 417 AND ORS CHAPTER 198.

I. ISSUE:

Report back to the Board on the application process and procedures for changes to Special District Boundaries and functions as directed in December 2007.

II. DISCUSSION

On December 12, 2007, The Board adopted Order No. 07-12-12-18 to amend Lane Manual Chapter 60 adopting fees and Order No. 07-12-12-19 to provide guidance for processing applications relating to Special District boundaries. Staff has completed developing the attached forms and instruction sheets for use in annexations to special districts by individuals and integrated the attached fees into project tracking and processing systems.

In addition, staff continues to provide responses to inquiries, attend educational and informational meetings at special district forums and contacts with the public to explain the new responsibilities and processes.

An update on actual implementation of the process will need to be provided at a later date, because no actual applications have been received at this time, However several groups have expressed interest and either contacted their commissioners with questions or have been in contact with staff to review and understand the process that is now in place to implement annexations and formations.

III. ATTACHMENTS:

A. Annexation to Districts

- Instructions for filing application by individuals
- Petition for Annexation cover sheet
- Signature sheet for the Petition
- Lane County Supplemental Annexation Information Form
- Sample Map and Tax Lots list for proposed annexation, to be submitted electronically using the sample format on this attachment

B. Lane Manual Fees

Annexations to Districts
ORS Chapter 198

INSTRUCTIONS FOR FILING APPLICATION BY INDIVIDUALS

Read all instructions before **submitting** an entire application for annexing territory to a district. Applications submitted to the County Clerk will not be accepted if any forms or attachments are missing and/or incomplete. (Required electronic copies need to be received in advance, or upon submitting application.)

Initiating Methods

ORS Chapter 198 includes different methods by which an annexation can be initiated. Please read the following information to determine the initiating method that best fits your situation.

A. Single Property Owner [ORS 198.857]

A single property owner (*including both husband and wife*) owning a single tax lot signs a petition requesting annexation. An annexation initiated using this method requires one public hearing by the Lane County Board of Commissioners and no election on the annexation is required.

B. All Property Owners [ORS 198.855(3)]

All property owners owning all of the properties proposed for annexation sign a petition requesting annexation. An annexation initiated using this method requires two public hearings by the Lane County Board of Commissioners and no election on the annexation is required.

C. Electors and Owners [ORS 198.855(3)]

A majority of eligible electors registered in the area proposed for annexation **and** owners of more than half of the land in the area proposed for annexation sign a petition requesting annexation. An annexation initiated using this method requires two public hearings by the Lane County Board of Commissioners and no election on the annexation is required.

D. Electors and Owners [ORS 198.855(1)]

When a petition does not include consents from a majority of the eligible electors registered in the area proposed for annexation **and** includes signatures from owners of 50 percent or less of the land in the area proposed for annexation, elections are required in both the proposed annexation area and the affected district. An annexation initiated using this method requires two public hearings by the Lane County Board of Commissioners.

NOTE: If this is an application to a rural fire protection district, applicant should contact the Lane County Assessor's office to verify whether an annexation is required.

Property Records and Tax Info Line www.co.lane.or.us/AT_PropTaxMgmt/
or call 682-4321 .

Filing Fee (see attached filing fee schedule for amounts)

Submit filing fees as required by Lane Manual 60.812 (copy attached) upon filing an application to the Lane County Clerk. Checks are payable to the Lane County Clerk. (*Debit or credit cards are not accepted.*)

Petition for Annexation Form and Petition Signature Sheet

Complete the attached **Petition for Annexation** form as it relates to the proposed district annexation. (*Common examples of a principal Act: County Service District ORS Chapter 451, Library District ORS Chapter 357, Rural Fire Protection District ORS Chapter 478, Park and Recreation District ORS Chapter 266, as well as others.*)

To give consent for a particular piece of property, persons who own an interest in the property, or who are purchasers of property on a contract sale that is recorded with Lane County, must sign the annexation petition. Generally, this means that both husband and wife should sign. In the case of a corporation or business, the person who is authorized to sign legal documents for the firm may sign the annexation petition. Please provide evidence of such authorization.

Once the attached **Petition Signature Sheet** is reviewed and approved in writing by the County Clerk as it is to be circulated for signatures, signature gathering can begin.

Supplemental Annexation Information Form

Complete and submit the attached supplemental annexation form as it relates to the proposed district annexation. This form will be used to determine whether or not the application applies to land use and for the purpose of analysis and decision making by the Lane County Board of Commissioners.

Maps

1. Submit cadastral map(s) with the boundary of the proposed district highlighted. Cadastral maps can be accessed through the Lane County Assessment and Taxation office's website: www.co.lane.or.us/AT_PropTaxMgmt/; and
2. Submit a vicinity map that should be no larger than 8½ by 11 inches in size. Show the territory to be annexed and its relationship to the boundaries of the annexation area, together with significant geographic factors (including bodies of water and streets in the vicinity of the boundary change and facilities critical to providing the service). Also, include a north arrow and scale.

Legal Description

Submit a metes and bounds legal description of the territory to be annexed. The legal description shall consist of a series of courses in which the first course shall start at a point of beginning. Each course shall be identified by bearings and distances and, when available, refer to deed lines, deed corners and other monuments (refer to ORS 308.225 for more details). A lot, block and subdivision description may be substituted for the metes and bounds description if the area is platted.

1. Legal description must be submitted both in printed form and electronically in Microsoft Word or a compatible format; and
2. Submittal is to include evidence of a preliminary review of the legal description by the Department of Revenue (DOR), along with the DOR number assigned. DOR contact information: Rick Sandoval
503-945-8230ofc 503-945-8737 fax
E-mail richard.t.sandoval@state.or.us

Map and Tax Lot List (attached sample)

Submit a list of all Map and Tax lots in the proposed territory, using the attached form. If the proposed territory includes 10 or more owners or tax lots, whichever is greater, submit an electronic list (Excel spreadsheet on compact disc) of **all** applicable map and tax lot numbers, including all specific information below in separate data fields for sorting purposes for **each map and tax lot** within the annexation area:

1. (A&T) Current assessed valuation shown on latest available county assessor's tax rolls;
2. (A&T) Acreage of each tax lot, with a total for all lots; **and** if available
3. (LCOG) Site addresses of all dwelling units and businesses located within the annexation area; and
4. (Elections) Names of all residents and whether or not they are registered voters.

Labels of Owners (within 750 feet of proposed district annexation territory)

Submit typed mailing labels that include the names of all property owners and agents, their addresses, and map and tax lot numbers for all property within 750 feet of the annexation area.

Resources for obtaining map and tax lot information and/or data for labels, **first recommended contact** (*fees may apply*):

Lane Council of Governments (541) 682-4283
Wells Fargo Building
99 East Broadway Suite 400
Eugene OR 97401

An additional resource for map and tax lot information contact: (*fees may apply*):

Lane County Assessment and Taxation, Public Service Building (541) 682-4321
125 East 8th Avenue Basement
Eugene OR 97401
website: www.co.lane.or.us/AT_PropTaxMgmt/

Affected District Approval

Submit a resolution signed by the board of the affected district indicating that the annexation area can be served and stating the basis for that decision by the special district board. Approval of the boundary change by the board of the affected district is required.

Decision Criteria Written Statement

Submit a written statement indicating compliance with the following:

1. The land is not within a district formed under the same principal Act;
2. The annexation area can reasonably be served or continued to be served by the facilities or services provided by the district;
3. No land included in the annexation area will be removed if the land is benefited; and
4. The boundary change is consistent with the Lane County Rural Comprehensive Plan, other applicable refinement plans, other adopted land use regulations or agreements.

Territory Within City

If any part of the annexation area is within a city, the applicant must include a certified true copy of the resolution of the governing body of the city approving the proposed annexation.

Process After Application is Accepted for Filing by the Lane County Clerk:

Upon submittal and acceptance of all applicable fees and required forms, the Lane County Clerk will forward the filing to Lane County Land Management Division.

Land Management Division will set a date for a public hearing before the Lane County Board of Commissioners.

The Land Management Division will determine:

1. If the proposed boundary change is a land use action;
2. That all application submittal requirements are met;
3. If the legal description accurately describes the boundaries of the proposed boundary change as it is shown on the cadastral maps;
4. If the list of tax lots is accurate and complete; and
5. If additional information is needed, and communicate what is needed to the applicant.

The Lane County Board of Commissioners, at a public hearing, may approve or disapprove a proposal, considering the following decision criteria when evaluating the proposed boundary change:

1. The land is not within a district formed under the same principal act;
2. The annexation area can reasonably be served or continued to be served by the facilities or services provided by the district;
3. No land included in the annexation area will be removed if the land is benefited; and
4. The boundary change is consistent with the Lane County Rural Comprehensive Plan, other applicable refinement plans, and other adopted land use regulations or agreements as required for the county board to adequately evaluate the proposed change.

The Lane County Board of Commissioners (BCC), in making their decision, may also modify a proposal to make it larger or smaller. If the BCC expands a proposal, notification of the affected property owners is required at the public hearing or by mail. If the BCC denies the proposal, the proceeding terminates. If the application is approved, signatures from 10 percent or 100 signatures, whichever is lesser, of the eligible electors registered within the annexation area may be submitted prior to the final hearing by the BCC.

The BCC provides notice of their decision to the appropriate filing agencies; i.e., Secretary of State, Lane County clerk, Lane County assessor, and district secretary.

The effective date of any approved annexation will be determined by ORS 198.747.

Submit Fees and District Annexation Application Forms to: Lane County Clerk
c/o Lane County Elections
275 West 10th Avenue
Eugene, Oregon 97401
Phone: (541) 682-4234

BEFORE THE LANE COUNTY BOARD OF COMMISSIONERS, OREGON

This PETITION is filed pursuant to ORS 198.705 to 198.955.

PETITION FOR ANNEXATION to the _____ *(District Name)*

- The principle Act of this district is ORS Chapter _____
- The names of all other governments that provide services within the annexing district: *(example: Lane County, Community College, School, or other special districts)*

District/County Name	Principle Act
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

- Proposed territory to be annexed is:
 - Inhabited Uninhabited
- Any known terms and conditions associated with this petition:

- Is any of the annexation area within any city? YES NO *(If yes, city resolution required.)*
- The following petitioner(s) request that annexation proceedings be taken for the territory proposed.

Name	Address	Date
_____	_____	_____
Name	Address	Date
_____	_____	_____
Name	Address	Date
_____	_____	_____

App # _____
(completed by County Staff)

PETITION SIGNATURE SHEET / DISTRICT ANNEXATION

App # _____
 (completed by County Staff)

Proposed Annexation to _____
 (Name of District)

To give consent to annex a particular piece of property, persons who own an interest in the property, or who are purchasers of property on a contract sale that is recorded with Lane County, must sign the annexation petition. Generally, this means that both husband and wife should sign. In the case of a corporation or business, the person who is authorized to sign legal documents for the firm may sign the annexation petition.

Signature	Date Signed m/d/y	Print Name	Residence Address street, city, zip code	Map & Tax Lot # township/range/section/lot #	✓ Land Owner	Acres (qty)	✓ Reg Voter
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							

Note: With the above signature(s), I am attesting that I have the authority to consent to annexation on my own behalf or on behalf of my firm or agency. (Attach evidence of such authorization when applicable.)

I, _____
 X _____
 (printed name of circulator), hereby certify that every person who signed this sheet did so in my presence.
 (signature of circulator)

CERTIFICATION OF ELECTORS

The total number of active registered voters in the proposed district annexation are _____. I hereby certify that this petition includes _____ valid signatures representing _____ (%) of the total active registered voters that reside in the proposed annexation.

 Lane County Clerk or Deputy Signature

 Date Certified

CERTIFICATION OF PROPERTY OWNERS

According to the Lane County Assessment and Taxation records, the total number of landowners in the proposed annexation are _____. (qty) This petition reflects that _____ (qty) landowners (or legal representatives) listed on this petition represent a total percent of _____ (%) landowners and _____ (%) acres as determined by the map and tax lots attached to the filed petition. A&T is not responsible for subsequent deed activity which may not yet be reflected on the A&T computerized tax roll.

 Lane County Department of Assessment and Taxation or Lane County Clerk or Deputy on behalf of A&T

 Date Certified

**LANE COUNTY
SUPPLEMENTAL ANNEXATION
INFORMATION FORM**

(Complete all the following questions and provide all the requested information. This form will be used to determine whether or not the application can be considered a land use decision and for the purpose of analysis and decision making by the Lane County Board of Commissioners. Attach any responses that require additional space, restating the question or request for information on additional sheets.)

Contact Person: _____
Mailing Address: _____
City/Zip _____
Phone # _____
E-Mail _____

The attached petition is for *annexation to* _____ *(district name)*.

Supply the following information regarding the annexation area.

- **Estimated Population (at present):** _____
- **Number of Existing Residential Units:** _____
- **Land Area:** _____ **total acres**
- **Existing Plan Designation(s):** _____
- **Existing Zoning(s):** _____
- **Existing Land Use(s):** _____
- **Existing improvements (public or private); water; streets; sanitary sewer; storm drainage; parks; fire protection (both structural and timberland); electrical:**

- **Applicable Comprehensive Plan(s):** _____
- **Provide evidence that the annexation is consistent with the applicable comprehensive plan(s) and any associated refinement plans.**

- **Are there development plans associated with this proposed annexation?**
Yes _____ No _____
If yes, describe.

- **Is the proposed use or development allowed on the property under the current plan designation and zoning?**
Yes _____ No _____

- Indicate whether a change of zoning, a Conditional Use Permit or a Special Use Permit is required to allow the proposed use or development.

Zone Change: Yes _____ No _____

Conditional Use Permit: Yes _____ No _____

Special Use Permit: Yes _____ No _____

- Does this application include all contiguous property under the same ownership?

Yes _____ No _____

If no, state the reasons why all property not included?

- Names of persons to whom staff notes and notices should be sent, in addition to applicant(s), such as an agent or legal representative.

(Name)

(Address)

(City) (Zip)

(Name)

(Address)

(City) (Zip)

(Name)

(Address)

(City) (Zip)

(Name)

(Address)

(City) (Zip)

(The Section Below is for Land Management Staff Use *Only*)

Application Initiated by (*refer to Instructions for Filing Application by Individuals*):

- A-Single Property Owner [ORS 198.857]
- B-All Property Owners [ORS 198.855(3)]
- C-Electors and Owners [ORS 198.855(3)]
- D-Electors and Owners [ORS 198.855(1)]

Date received from Lane County Clerk: _____

Annexation Request Applies to Land Use:

- YES
- NO

Planner, Land Management Division

Date Signed

App # _____
(completed by County Staff)

The following form is a sample.
 All applications must include a hard copy of this completed form reflecting all properties and owners with the annexation area.
 An electronic copy in Excel must also be submitted whenever there are 10 or more owners or tax lots within the annexation area.
 An electronic copy of this form can be obtained from the County Clerk.

Sample Map & Tax Lots List for proposed annexation to _____ DISTRICT NAME

(completed by County Staff)

*All persons who own an interest in the property, or who are purchasers of property on a contract sale that is recorded with Lane County, are to be listed separately on each line, even if the same property is listed more than once.

*Generally, this means that both husband and wife would be listed separately, if both names on the deed. In the case of a corporation or business, all owners listed on the Assessment and Taxation records or current recorded property transactions should be listed.

(see above)

Property Owner *	Site Address (indicate if vacant land)		T	Map & Tax Lot #s			Acres (qty)	Assessed Value Current Tax Rolls	✓	Reg Voter
	Street #	Street Name		City, Zip, and Unit	R	S				

FEEES

60.812 Fees to be Charged by the County Clerk.

(1) For the preparation of and processing of a marriage license waiting period waiver request, the fee is \$4.

(2) For solemnizing a marriage after normal working hours or on weekends or legal holidays, the fee is \$80. The fee for solemnizing a marriage during working hours is as authorized by state law.

(3) For the expenses of conciliation/mediation services, the fee is \$10, to be charged for issuing a marriage license or registering a declaration of domestic partnership, and to be used as described in ORS 107.615.

(4) For the preparation and processing of formations of special districts, and changes to special district boundaries and functions as required by state law or applicable Lane Code. The fees are as follows:

(a) Special district boundary changes that are annexations or withdrawals:

- (i) Consisting of less than 1 acre..... \$ 2,080.00
- (ii) Consisting of 1 acre or more but less than 5 acres..... \$ 2,660.00
- (iii) Consisting of 5 acres or more but less than 10 acres \$ 3,550.00
- (iv) Consisting of 10 acres or more but less than 25 acres \$ 4,480.00
- (v) Consisting of 25 acres or more but less than 50 acres \$ 5,560.00
- (vi) Consisting of 50 acres or more but less than 100 acres \$ 6,400.00
- (vii) Consisting of 100 acres or more \$ 8,820.00

(b) Special district boundary changes that are formations, dissolutions, mergers*, consolidations*, and incorporations:

- (i) Under \$10 million assessed valuation..... \$ 8,890.00
- (ii) \$10,000,001 to 100,000,000 assessed valuation \$12,480.00
- (iii) \$100,000,001 to 250,000,000 assessed valuation ... \$17,790.00
- (iv) Over \$250 million assessed valuation..... \$24,600.00

(c) Pre-Application Conference \$ 235.00

(d) Re-notice..... \$ 398.00

*NOTE: For mergers and consolidations, the highest fee is used based on the highest assessed value of merging or consolidating districts.

(5) For certification of signatures for annexations to or withdrawals from a city in Lane County, excluding signatures collected for the purpose of calling for an election, the fee is \$1 per signature. (Revised by Order No. 92-8-12-25, Effective 8.12.92; 07-12-5-5, 12.5.07; 07-12-12-8, 12.12.07)